

Oct.17. 2006 12:23PM\*\*\*\*\*

No.2649 P. 9/9

\* TRANSMIT MESSAGE CONFIRMATION REPORT \*

NAME: D PETER HOCHBERG CO LPA  
TEL : 216 771 3804  
DATE: 02/12/04 14:50

TRANSMIT: 17033087749	DURATION	PAGE	SESS	RESULT
TYPE: MEMORY TX	MODE	E-144	02'22	08
			606	OK

FACSIMILE TRANSMISSION SHEET

D. PETER HOCHBERG CO., L.P.A.  
ATTORNEYS AT LAW  
THE BAKER BUILDING - 6TH FLOOR  
1940 EAST 6TH STREET  
CLEVELAND, OHIO 44114  
e-mail: dphochberg@aol.com

Telephone: (216) 771-3800 / Facsimile: (216) 771-3804

TO: Ms. Valerie Kinard - OIPE

FAX NO: 1 (703) 308-7749

FROM: Christine Kolran for D. Peter Hochberg Co., L.P.A.

DATE February 12, 2004

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 8

MESSAGE: Milliken et al. U.S. Patent Appln. 10/671,902  
Filed September 25, 2003  
SOLID OXIDE FUEL CELL STACK ASSEMBLY  
HAVING TAPERED DIFFUSION LAYERS  
Our Ref. XX0163US.CIP (#90575)

In accordance with our telephone conversation this morning, I am faxing copies of the following documents:

- 1) Page 1 of the application as filed (note particularly the details of paragraph [00001])
- 2) Our "Request for Corrected Filing Receipt" faxed to the OIPE on January 6, 2004.
- 3) The "Auto-Reply Facsimile Transmission" acknowledgment of our Request
- 4) The "Response to Request for Corrected Filing Receipt Domestic Continuity and Foreign Priority" mailed on 01/20/2004 which denied our request for correction of the Filing Receipt with respect to the priority claim.

Item 4 above indicates, "A claim for priority cannot be made based on an application filed after the application making the claim, 60/413,858 filing date 09/26/2002." We believe this document was issued in error because the filing date of the application for which priority is claimed (i.e., 09/26/2002) is within a period of one-year before the filing date of 09/25/2003 of the present application claiming it as priority. Accordingly, it is respectfully requested that the issuance of the corrected filing receipt be expedited.

If you have any further questions concerning this matter, please telephone me.

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This communication is intended only for the use of the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is

## FACSIMILE TRANSMISSION SHEET

D. PETER HOCHBERG CO., L.P.A.  
ATTORNEYS AT LAW  
THE BAKER BUILDING - 6TH FLOOR  
1940 EAST 6TH STREET  
CLEVELAND, OHIO 44114  
e-mail: dphochberg@aol.com

Telephone: (216) 771-3800 / Facsimile: (216) 771-3804

TO: Patrick J. Ryan - Supervisory Examiner FAX NO: 1 (571) 273-1292

FROM: Chris Kotran for D. Peter Hochberg, Esq. DATE October 17, 2006

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 9

MESSAGE: Re: Miliken et al USSN 10/671,902 filed September 25, 2003  
SOLID OXIDE FUEL CELL STACK ASSEMBLY HAVING  
TAPERED DIFFUSION LAYERS / Our Ref. XX0163US.CIP (#90575)  
Assistance in Obtaining Corrected Filing Receipt

Following our telephone conversation this morning, I am faxing copies of:

1. The first page of the patent application as filed. N.B. the "Cross-Reference to Related Applications" re the priority claims.
2. (Pages 2a-d) Our "Request for Corrected Filing Receipt" faxed January 6, 2004, with a USPTO auto-reply confirmation.
3. (Pages 3a-b) "Response to Request for Corrected Filing Receipt" indicating "A claim for priority cannot be made based on an application filed after the application making the claim. 60/413,858 filing date 09/26/2002." -- Actually, 60/413,858 filed 09/26/2002 is before the filing date of the application (10/671,902 filed 9/25/03) claiming it as one of the priority cases.
4. A copy of fax confirmation for an eight-page fax transmitted to Ms. Valerie Kinard of OIPE concerning the same matter and after discussing the issues with her on February 12, 2004. (No need to send you the same attachments as above -- just verification of the correspondence and another unsuccessful attempt to get a proper filing receipt for this case.)

Any help you can provide in expediting a Corrected Filing Receipt adding -- and which claims the benefit of 60/413,858 filed 09/26/2002 -- will be appreciated. I would also appreciate your confirmation for our file that someone has been contacted to address this issue.

THANK YOU FOR ANY HELP YOU CAN PROVIDE.

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This communication is intended only for the use of the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service. Thank you.

SOLID OXIDE FUEL CELL STACK ASSEMBLY HAVING TAPEREDDIFFUSION LAYERSCross-Reference to Related Applications

[00001] This application is a continuation-in-part of U.S. Patent Application Serial No. 09:992,272, filed on November 14, 2001 which claims the benefit of U.S. Provisional Application Serial No. 60/249,098, filed on November 15, 2000, and also claims the benefit of U.S. Provisional Application Serial No. 60/413,858, filed on September 26, 2002.

Field of the Invention

[00002] The present invention relates generally to electrochemical systems, such as solid-oxide electrolyte fuel cells and fuel cell assemblies for directly converting chemical energy into electricity. More particularly, the present invention relates to a modified fuel cell system having modified diffusion layers and seals.

Description of the Prior Art

[00003] Planar, or flat, solid oxide fuel cell stacks are well known in the electrochemical industry. Generally, a fuel cell is an electrochemical device that combines a fuel, such as hydrogen, with oxygen to produce electric power, heat and water. The solid oxide fuel cell consists of an anode, a cathode and an electrolyte. The anode and cathode are porous, thereby allowing gases to pass through them. The electrolyte, located between the anode and cathode, is permeable only to oxygen ions as they pass from the cathode to the anode. The passing of the oxygen ions through the electrolyte creates an excess of electrons on the anode side to complete an electrical circuit through an external load to the cathode side, which is electron deficient.

[00004] A solid oxide fuel cell is quite advantageous over conventional power generation systems. It is known in the electrochemical industry that such devices are capable of

①

USPTO 1/6/2004 4:47 PM PAGE 1/001 Fax Server  
 D:Auto-reply fax to 216 771 3804 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 216 771 3804

Fax Information

Date Received:

1/6/2004 4:17:08 PM [Eastern Standard Time]

Total Pages:

3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.6(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMPEP) section 306 et seq.

Received  
 Cover  
 Page  
 =====>

D AFTER HOURS TO LPA		216 771 3804		01/06/04 17:10 01/07/03 NO:059	
<b>CERTIFICATE OF RECEIPT OF FACSIMILE TRANSMISSION</b>					
I hereby certify that this page is a true facsimile transmission of the Patent and Trademark Office on the date shown below.					
Date: <u>Jan. 6, 2004</u>		Facsimile No.: <u>2003-200-0185</u>		Attorney File: <u>XX016753.CLP (P0575)</u>	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE					
In re application of: <u>Christopher E. Milliken, Michael A. Pentz, Robert C. Reid</u>					
Serial No.	<u>10571,902</u>	Group No.			
Filed:	<u>September 25, 2003</u>	Examiner:			
For:	<u>SOLID OXIDE FUEL CELL STACK ASSEMBLY HAVING IMPROVED DIFFUSION LAYERS</u>				
Assistant Commissioner of Patents Office of Initial Patent Examination Customer Service Center Washington, D.C. 20231					
<b>REQUEST FOR CORRECTED FILING RECEIPT</b>					
1. Attached is a copy of the official filing receipt received from the Patent and Trademark Office in the above application for which issuance of a corrected filing receipt is respectfully requested.					
2. There is an error in the following data for:					
<input type="checkbox"/>	incorrectly entered				
<input checked="" type="checkbox"/>	omitted				
<input type="checkbox"/>	Applicant's name				
<input type="checkbox"/>	Drawings properly date submitted by applicant				
<input type="checkbox"/>	Applicant's address				
<input type="checkbox"/>	Filed Date				
1					

THIS IS A FACSIMILE TRANSMISSION OF A DOCUMENT RECEIVED FROM THE PATENT AND TRADEMARK OFFICE

Ja.

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Facsimile No.: (703) 746-9195

Date

Kathi Hotchkiss

Attorney File: XX0163US.CIP (#90575)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Christopher E. Milliken, Michael A. Petrik, Robert C. Ruhl

Serial No. 10/671,902 Group No.

Filed: September 25, 2003 Examiner:

For: SOLID OXIDE FUEL CELL STACK ASSEMBLY HAVING TAPERED  
DIFFUSION LAYERSAssistant Commissioner of Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231**REQUEST FOR CORRECTED FILING RECEIPT**

1. Attached is a copy of the official filing receipt received from the Patent and Trademark Office in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error in that the following data is:

☐ incorrectly entered

and/or

☒ omitted

☐ Applicant's name

☒ Domestic Priority data as claimed by applicant

☐ Applicant's address

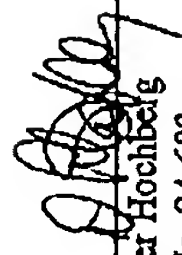
☐ Title

☐ Filing Date

- ☐ Serial No.
- ☐ Foreign/PCT Application Reference
- ☐ Other

in that the filing receipt should read as follows: Please add the following in "Domestic Priority..."

--and claims benefit of 60/413,858 filed 9-26-2002--

  
D. Peter Hochberg  
Reg. No. 24,603

Att.: Copy of Filing Receipt

D. Peter Hochberg Co., L.P.A.  
The Baker Building  
1940 East 6th Street, Sixth Floor  
Cleveland, Ohio 44114  
(216) 771-3800

2c.



Oct. 17. 2006 12:22PM

No. 2649 P. 6/9



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
Alexandria, Virginia 22304-4100

APPL NO.	FILING OR 371 (a) DATE	ART UNIT	FILE REC'D	ATTY.DOC#ET NO	DRAWINGS	TOT CLAMS	IND CLAMS
10/671,902	09/25/2003	1746	375	XX0163US.CIP (#90575)	4	18	3

CONFIRMATION NO. 8026

FILING RECEIPT

\*00000000011512873\*

28672  
D. PETER HOCHBERG CO. L.P.A.  
1940 EAST 6TH STREET  
CLEVELAND, OH 44114  
*work copy*

Date Mailed: 12/17/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Christopher E. Milliken, Highland Heights, OH;  
Michael A. Petrik, Highland Heights, OH;  
Robert C. Ruhl, Cleveland Heights, OH;

Domestic Priority data as claimed by applicant

This application is a CIP of 09/992,272 11/14/2001  
which claims benefit of 60/249,098 11/15/2000

Foreign Applications

If Required, Foreign Filing License Granted: 12/16/2003

Projected Publication Date: 03/25/2004

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Solid oxide fuel cell stack assembly having tapered diffusion layers

*and claims benefit of 60/413,858 filed 9-26-2002*

*2d.*



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20531  
www.uspto.gov

APPLICATION NUMBER	FILING OR 31(G) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/671,902	09/25/2003	Christopher E. Milliken	XX0163US.CIP (390575)

28872  
D. PETER HOCHBERG CO. L.P.A.  
1940 EAST 6TH STREET  
CLEVELAND, OH 44114

CONFIRMATION NO. 8026



\*00000000011721564\*

Date Mailed: 01/20/2004

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☒ A claim for priority cannot be made based on an application filed after the application making the claim. 60/413,858 filing date 09/26/2002
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application.
- ☐ A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order:  
Country, Application number, Filing date.
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or

3a.



36.

foreign priority.

☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

Haimonut Tegbawa  
Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202